

## **§ 452.89**

months or a year, before being permitted to vote in an election of officers. However, while the right to vote may be deferred within reasonable limits, a union may not create special classes of nonvoting members.

### **§ 452.89 Apprentices.**

A labor organization may condition the right to vote upon completion of a bona fide program of apprenticeship training which is designed to produce competent tradesmen in the industry the union serves.

### **§ 452.90 Visiting members.**

A decision about the voting rights of visiting members is properly one for resolution by the union in accordance with the organization's constitution and bylaws or applicable resolutions. For purposes of the Act, a person is ordinarily considered to be a member of the local to which he pays his dues.

### **§ 452.91 Voting by employers, supervisors.**

Voting in union elections by employers, self-employed persons, supervisors or other persons who are considered to be part of management is not precluded by title IV of the Act even if they are not required to maintain union membership as a condition of employment. However, as mentioned in the discussion of qualifications for candidacy (see § 452.47), such persons may not dominate or interfere with the administration of any labor organization.

### **§ 452.92 Unemployed members.**

Members who are otherwise qualified to vote may not be disqualified from voting merely because they are currently unemployed or are employed on a part-time basis in the industry served by the union, provided, of course, that such members are paying dues.

### **§ 452.93 Retired members.**

The right of retirees to vote may be restricted to the extent provided by the constitution and bylaws of the labor organization.

### **§ 452.94 Reasonable opportunity to vote.**

The statutory protection of the right to vote implies that there must be a

## **29 CFR Ch. IV (7-1-11 Edition)**

reasonable opportunity to vote. Thus, there is an obligation on the labor organization to conduct its periodic election of officers in such a way as to afford all its members a reasonable opportunity to cast ballots. A union may meet this obligation in a variety of ways, depending on factors such as the distance between the members' work site or homes and the polling place, the means of transportation available, the nature of the members' occupations, and their hours of work. A reasonable opportunity to vote may require establishing multiple polling places or the use of a mail ballot referendum when the members are widely dispersed. It would also be reasonable for the time period for voting to be extended to accommodate members who might otherwise be prevented from voting due to conflicting work schedules. Shortening the voting period by a late opening of the polls would not, in itself, be improper unless the intent or practical effect of such action is to deprive members of their right to vote.

### **§ 452.95 Absentee ballots.**

Where the union knows in advance that a substantial number or a particular segment of the members will not be able to exercise their right to vote in person, as, for example, when access to a polling place is impracticable for many members because of shipping assignments, absentee ballots or other means of voting must be made available.<sup>45</sup> In the event absentee ballots are necessary the organization must give its members reasonable notice of the availability of such ballots.<sup>46</sup>

## **Subpart I—Election Procedures; Rights of Members**

### **§ 452.96 General.**

The Act safeguards democratic processes by prescribing, in section 401, minimum standards for the regular periodic election of officers in labor organizations subject to its provisions. It

<sup>45</sup> *Goldberg v. Marine Cooks and Stewards Union*, 204 F. Supp. 844 (N.D. Cal. 1962).

<sup>46</sup> *Wirtz v. Local Union 262, Glass Bottle Blowers Association*, 290 F. Supp. 965 (N.D. Calif. 1968).